

5 Whereas, the healthcare industry already has some 45 special statutes to protect it, as documented by the Montana Medical Association in it's *MMA Bulletin* of July/August 2009; and

Whereas, the Montana Medical Association describes the main special pieces of legislation as "qualitatively 'better' than measures in almost all states."; and

Whereas, the healthcare industry's solution to it's perceived problems are always to either reduce Montanan's access to the courts, or to reduce the damages that may be assessed for harms caused by the healthcare industry's failure to conform the care provided to the applicable professional standard of care; and

Whereas, Article II, Section 16 of the Montana Constitution provides that "Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property or character."; and

Whereas, **HB 408** is another piece of special legislation that sets a shorter time than other injured Montanans in which those harmed by the negligence of agents of the healthcare industry may file suit to seek remedy for the harm they have suffered; and

Whereas, **HB 408** will close the doors of the courts of justice to some Montanans in violation of their constitutional rights; and

Whereas, the Montana Medical Legal Panel reports that the number of claims filed against healthcare providers has been relatively stable, and the number of claims filed is less than those filed a decade ago; and

Whereas, **HB 408** will force Montanans to file more suits against all healthcare providers involved in an incident in order to preserve their rights than they do currently; and

Whereas, the conclusions of the whereas clauses of **HB 408** are self-serving, conclusory and unsupported by facts; and

Whereas, the healthcare industry's previous legislation to either reduce Montanan's access to the courts, or to reduce the damages that may be assessed for harms caused by the healthcare industry's failure to conform the care provided to the applicable professional standard of care NEVER SEEMS TO BE ENOUGH; and

Whereas, the one tried and true way to lower malpractice costs is to lower the number of Montanans harmed by agents of the healthcare industry.

BE IT RESOLVED THAT THE HOUSE BUSINESS AND LABOR COMMITTEE OF THE 2011 MONTANA LEGISLATURE JUST SAY NO TO ANOTHER SPECIAL PIECE OF LEGISLATION FOR THE HEALTHCARE INDUSTRY AND **VOTE NO ON HB 408.**